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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/209,280	12/11/1998	HAN JUNG	4805.0072-02	7189

2292 7590 12/04/2002

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EXAMINER

YOUNG, WAYNE R

ART UNIT	PAPER NUMBER
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2655

#34

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/209,280

Applicant(s)

JUNG ET AL.

Examiner

W. R. Young

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 23-44 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

There is no disclosure of the newly claimed “a plurality of audio signals encoded into audio channels . . . each audio signal is composed of data units and each data unit including information for both indicating a coding mode and identifying the audio signals . . . **and at least more than one audio channel**” (emphasis added, from claim 23, other claims include similar language). Figure 5 shows only one channel and it includes first and second audio data Aa and Ab, as well as video data V. The disclosed first and second audio data Aa and Ab are disclosed as including accompaniment sound/vocal sound and accompaniment sound, respectively. This disclosure provides support for plural signals/channels/units Aa and Ab as previously claimed, but not for plural data units each having more than one channel. The admitted prior art on page 3 of the specification includes a reference to a stereo music program and a special music program each having two channels, but there is no nexus made in the specification as to this admitted prior art relative to applicant’s invention.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 23-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujinami.

See the front cover, figures 1-16, column 2, lines 49-60, column 3, lines 1-39, and column 8, line 63 – column 11, line 38, for a “plurality of audio signals” in figures 3 and 8, A0-Am, KARAOKE, MUSIC, “information for both indicating a coding mode and identifying the audio signal” in figures 9-11, IDENTIFIER, 0, 1, 2, 3, 4, “audio signal processor” in figure 5, elements 4, 5, 21, 8, 11, “controller”/“control circuit” in figure 5, elements 13, 14.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 23-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Fujinami.

Applicant's admitted prior art in the reproduced audio signal processing art, discloses all the subject matter claimed, except for the claimed extracting and outputting one of a plurality of audio data based on user input. Note pages 1-4 and figures 1-3 of the specification.

Fujinami in the reproduced audio signal processing art, discloses extracting and outputting one of a plurality of audio data based on user input, in order to provide a more pleasurable presentation experience to an end user. See the front cover and figures.

It would have been obvious to one of ordinary skill in the art at the time of the invention by applicant to provide extracting and outputting one of a plurality of audio data based on user input rather than only one audio data as in the admitted art as suggested by Fujinami, the motivation being to provide a more pleasurable presentation experience to an end user.

7. Applicant's arguments filed 10/18/02 have been fully considered but they are not persuasive.

In re pages 2-4, applicant's mere statement of a disadvantage in the prior art does not provide adequate disclosure of stereophony sound, per se. The discussion of what may be obvious to one of ordinary skill in the art is mere conjecture. While one might assume that stereo output was desirable (and that much is disclosed on page 12 of the specification), one cannot assume how applicant achieved such. It was up to the applicant to describe this in the specification. What matters is whether the disclosure as originally filed necessarily suggested the claimed invention, not whether the disclosure may have suggested or could have suggested the claimed invention. And then whether what was necessarily present was adequately described such that one of skill could make and use the invention. The citation to page 12, lines 1-5, does not provide support for the reasons of record during the extensive prosecution of this case.

In re pages 4-6, note that the admitted prior art discloses the MPEG encoding method that includes such identification of the coding mode. Note that Fujinami on the front cover discloses selection between plural audio channels. Note that Fujinami in figures 10-11 discloses an identifier for identifying the audio data as being accompaniment/guide/model/comments/background/center/back/speech (0 - 5) and also the

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coding mode as being stereo (0, 1) or mono (2, 3, 4, 5). Alternatively, Fujinami in figure 9, discloses another identifier that identifies the data as being movie/karaoke/music (0, 1, 2).


8. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. R. Young whose telephone and VoiceMail number is (703) 308-1554. If a plurality of attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached on (703) 305-4827.

The appropriate fax phone number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700 or the Group Customer Service section whose telephone number is (703) 306-0377.



WAYNE R. YOUNG
PRIMARY EXAMINER
ART UNIT 2655

wry/wry
11/29/02